

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-4, 6-10 and 12-14 stand rejected under 35 USC §103(a) over a base combination of Moshfeghi et al. in view of Takeo and Rozen et al. Claim 14 stands rejected under 35 USC §103(a) further in view of Rapport et al. In addition, claims 5, 11 and 15-20 stand rejected under 35 USC §103(a) further in view of Herz et al. Applicants respectfully disagree since a fair application of the MPEP would forbid Moshfeghi et al. from being modified as per the office action, since the modification would violate the express teachings of Moshfeghi et al. There should be no dispute that Moshfeghi et al. teaches a system that tailors the manner and content of the information provided to a user based upon the system identifying who the user is. Thus, Moshfeghi et al. can only be fairly interpreted as teaching away from Applicants' claimed system that allows anonymous access by individuals selected by the patient. Because the MPEP would forbid Moshfeghi et al. from being modified against its own express teachings in order to arrive at Applicants' claimed invention, Applicants respectfully request that the outstanding rejections based on Moshfeghi et al. be withdrawn.

Even if Moshfeghi et al. could be combined with Takeo and Rozen as per the office action, all of Applicants' claims now require additional features that, which in the totality, are not taught by any fair combination of the references of record. All of Applicants' claims now require that the patient information forum include a means for exchanging messages, questions and answers among the patient, concerned family members and friends of the patient, care givers for the patient and treatment center administrators. In addition, the claims require that the patient information forum facilitate these communications without real time interaction. Since there is no fair combination of the cited references of record that could be combined in order to arrive at Applicants' claimed invention, Applicants respectfully request that the outstanding §103 rejections against claims 1-4, 6-10 and 12-14 be withdrawn.

Applicants take exception to the characterization in the most recent office action that Applicants' arguments essentially attacked the references individually. Applicants respectfully disagree and assert that no explanation has thus far been provided as to how a modification of Moshfeghi against its own teachings would be permissible by the MPEP, regardless of what the other references teach. The office action states the rejection as being based upon Moshfeghi et al. as modified by the other cited references. If the real rejection is based upon Rozen as modified by Moshfeghi et al., no such rejection is yet of record. Therefore, Applicants again respectfully request that the outstanding rejections be withdrawn, or that a not yet made rejection be made of

record, or that any subsequent office action include an explanation as to how the asserted modification of Moshfeghi et al. would be permitted by the MPEP, so that this application could be put in better condition for appeal.

Claims 3, 5, 11 and 18 have been cancelled. New claims 21-23 have been added, and are believed allowable over the art of record. No new matter has been added, as all of the amendments are supported by the specification as originally filed. No additional fee is believed required for the new claims. However, the commissioner is authorized to charge any underpayment or credit any overpayment to deposit account number 500226.

This application is now believed to be in condition for allowance of claims 1-2, 4, 6-10, 12-17 and 19-23. However, if the examiner believes that some minor additional clarification would put this application in even better condition for allowance, the examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB McNeil', written in a cursive style.

Michael B. McNeil
Reg. No. 35,949